

BUSINESS REPORT

**MONTANA SENATE
62nd LEGISLATURE - REGULAR SESSION**

SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Date: Tuesday, March 22, 2011

Place: Capitol

Time: 9:00 AM

Room: 422

BILLS and RESOLUTIONS HEARD:

HB 315 - Revise historic traction boiler inspection and traction license requirements

HB 405 - Medical malpractice reform

HB 416 - Provide for confidentiality for medical practices quality assurance

EXECUTIVE ACTION TAKEN:

HB 43 Do Concur As Amended

HB 100 " " " "

HB 341 " " " "

HB 342 Do Concur

Comments:



SEN. Joe Balyeat, Chair

MONTANA STATE SENATE
ROLL CALL
BUSINESS, LABOR, AND
ECONOMIC AFFAIRS

DATE: 3-22-, 2011

NAME	PRESENT	ABSENT/ EXCUSED
Vice Chair Jackson	✓	
Senator Facey	✓	
Senator Steinbeisser		✓
Senator Moore	✓	
Senator Stewart-Peregoy	✓	
Senator Tropila	✓	
Senator Tutvedt		✓
Senator Mowbray	✓	
Senator Vuckovich	✓	
Senator Windy Boy		✓
Chairman Balyeat	✓	

11 Committee Members



SENATE STANDING COMMITTEE REPORT

March 22, 2011

Page 1 of 2

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 43** (third reading copy -- blue) be concurred in as amended.

Signed: _____

Senator Joe Balyeat, Chair

To be carried by Senator Frederick (Eric) Moore

And, that such amendments read:

1. Page 5, line 1.

Strike: "(a)"

Strike: "(4)(b)"

Insert: "(5)"

2. Page 5, line 3 through line 4.

Strike: "However," on line 3 through "apply." on line 4

3. Page 5, line 5.

Strike: "(b)"

Insert: "(5)(a)"

4. Page 5, line 7.

Strike: "SUBSECTION (4)(C)"

Insert: "subsections (5)(b) and (5)(c)"

5. Page 5, line 8.

Strike: "(C)"

Insert: "(b)"

Strike: "AN INSURER IS NOT LIABLE FOR AN INJURY OR OCCUPATIONAL DISEASE"

Insert: "An employee is not eligible for benefits otherwise payable under this chapter"

Committee Vote:

Yes 11, No 0

Fiscal Note Required ☐

HB0043001SC07877.sdr

OK

6. Page 5, line 10.

Strike: "(D)"

Insert: "(c)"

Strike: "COSTS"

Insert: "benefits payable under this chapter if those benefits are"

7. Page 5, line 11.

Strike: "AS A BENEFIT" through "CHAPTER"

8. Page 5.

Following: line 11

Insert: "(6) The provisions of subsection (4) do not apply if the employer had knowledge of and failed to attempt to stop the employee's use of alcohol or drugs not prescribed by a physician. This subsection (6) does not apply to medical marijuana, which is not a prescribed drug."

Renumber: subsequent subsections

- END -



SENATE STANDING COMMITTEE REPORT

March 22, 2011

Page 1 of 2

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 100** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

Senator Joe Balyeat, Chair

To be carried by Senator Jason Priest

And, that such amendments read:

1. Title, page 1, line 5.

Following: "STATEMENTS"

Insert: "; AND AMENDING SECTION 5-4-203, MCA"

2. Page 1, lines 9 through 14.

Strike: subsection (1) in its entirety

Insert: "(1) The minority leader and the majority leader of the house and the senate may each request that up to three business impact statements be prepared in a session and included with fiscal notes as provided in 5-4-203 and subsection (2) of this section. Each request must be filed with both the budget director and the legislative fiscal analyst."

3. Page 1, line 16.

Strike: "or indirect"

4. Page 1, line 19.

Strike: "direct the budget director"

Insert: "provide directions"

5. Page 1, line 24.

Following: "note"

Insert: ", except that the legislative fiscal division shall

Committee Vote:

Yes 6, No 5

Fiscal Note Required ☐

DR

prepare the business impact statement"

6. Page 1.

Following: line 25

Insert: "Section 2. Section 5-4-203, MCA, is amended to read:

"5-4-203. **Budget director to prepare note.** (1) The budget director, in cooperation with the state or local agencies or officials or organizations representing local agencies or officials affected by the bill, is responsible for the preparation of the fiscal note and shall return ~~same~~ the fiscal note within 6 days. The director may request additional time to complete a fiscal note, ~~which and the~~ extension must be submitted to the presiding officer or committee requesting the note for approval.

(2) (a) Upon receipt of a request for a business impact statement as provided in [section 1], the budget director shall complete the agency portion of the fiscal note, if any. The budget director and state or local agencies shall provide assistance to the legislative fiscal division necessary to develop the business impact statement.

(b) A fiscal note with a business impact statement has the same deadlines as provided in subsection (1). The legislative fiscal analyst may submit a request for an extension of the deadline to the minority leader or the majority leader requesting the business impact statement."

Renumber: subsequent sections

- END -



SENATE STANDING COMMITTEE REPORT

March 22, 2011

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 342** (third reading copy -- blue) **be concurred in.**

Signed: _____

Senator Joe Balyeat, Chair

To be carried by Senator Bruce Tutvedt

- END -

Committee Vote:

Yes 11, No 0

Fiscal Note Required ☐

HB0342001SC06485.sdr

DL



SENATE STANDING COMMITTEE REPORT

March 22, 2011

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 341** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

Joe Balyeat
Senator Joe Balyeat, Chair

To be carried by Senator Bruce Tutvedt

And, that such amendments read:

1. Page 1, line 20.

Strike: "INTEREST ON A JUDGMENT OBTAINED IN"

Insert: "In"

2. Page 1, line 21.

Strike: "MUST BE PAID FROM" through "IS ENTERED"

Insert: "a prevailing claimant is entitled to interest"

3. Page 1, line 23.

Following: "SUPERSEDE IT,"

Insert: "on the day judgment is entered,"

4. Page 4, lines 24 through 25.

Strike: "contractual obligations" on line 24 through "payment of interest" on line 25

Insert: "judgments"

Following: "entered"

Strike: "into"

- END -

Committee Vote:

Yes 6, No 5

Fiscal Note Required __

HB0341001SC06485.sdr

OK



SENATE STANDING COMMITTEE REPORT

March 22, 2011

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 315** (third reading copy -- blue) **be concurred in.**

Signed: _____

Senator Joe Balyeat, Chair

To be carried by Senator Taylor Brown

- END -

Committee Vote:

Yes 11, No 0

Fiscal Note Required ☐

HB0315001SC06463.sdr

Handwritten initials, possibly "DB", are located in the bottom right corner of the page.

MONTANA STATE SENATE ROLL CALL VOTE

BUSINESS, LABOR, AND ECONOMIC AFFAIRS

DATE: 3-22, 2011

BILL NO. Reconsider HB 100 5-4

NAME	AYE	NO
Senator Stewart-Peregoy		✓
Senator Vuckovich		✓
Senator Steinbeisser	✓	
Senator Facey		✓
Senator Tutvedt	✓	✓
Senator Jackson	✓	
Senator Windy Boy	✓	✓
Senator Moore	✓	
Senator Tropila		✓
Senator Mowbray	✓	
Chairman Balyeat	✓	

11 Committee Members

MONTANA STATE SENATE ROLL CALL VOTE

BUSINESS, LABOR, AND ECONOMIC AFFAIRS

DATE: 3-22, 2011

BILL NO. HB 100 Amendment 7-4

NAME	AYE	NO
Senator Stewart-Peregoy		✓
Senator Vuckovich		✓
Senator Steinbeisser	✓	
Senator Facey	✓	
Senator Tutvedt	✓ <i>pw</i>	
Senator Jackson	✓	
Senator Windy Boy		✓ <i>pw</i>
Senator Moore	✓	
Senator Tropila		✓
Senator Mowbray	✓	
Chairman Balyeat	✓	

11 Committee Members

MONTANA STATE SENATE ROLL CALL VOTE

BUSINESS, LABOR, AND ECONOMIC AFFAIRS

DATE: 3-22-, 2011

BILL NO. HB 100 DCAA 6-5

NAME	AYE	NO
Senator Stewart-Peregoy		✓
Senator Vuckovich		✓
Senator Steinbeisser	✓	
Senator Facey		✓
Senator Tutvedt	✓ <i>pw</i>	
Senator Jackson	✓	
Senator Windy Boy		✓ <i>pw</i>
Senator Moore	✓	
Senator Tropila		✓
Senator Mowbray	✓	
Chairman Balyeat	✓	

11 Committee Members

MONTANA STATE SENATE ROLL CALL VOTE

BUSINESS, LABOR, AND ECONOMIC AFFAIRS

DATE: 3 - 22, 2011

BILL NO. H B 034102 .apm fails 5-6

NAME	AYE	NO
Senator Stewart-Peregoy	✓	
Senator Vuckovich	✓	
Senator Steinbeisser		✓
Senator Facey	✓	
Senator Tutvedt		✓ <i>pr</i>
Senator Jackson		✓
Senator Windy Boy	✓	
Senator Moore		✓
Senator Tropila	✓	
Senator Mowbray		✓
Chairman Balyeat		✓

11 Committee Members

MONTANA STATE SENATE ROLL CALL VOTE

BUSINESS, LABOR, AND ECONOMIC AFFAIRS

DATE: 3-22-, 2011

BILL NO. H B034101. a pm 8-3

NAME	AYE	NO
Senator Stewart-Peregoy	✓	
Senator Vuckovich		✓
Senator Steinbeisser	✓	
Senator Facey	✓	
Senator Tutvedt	✓ <i>pm</i>	
Senator Jackson	✓	
Senator Windy Boy		✓ <i>pm</i>
Senator Moore	✓	
Senator Tropila		✓
Senator Mowbray	✓	
Chairman Balyeat	✓	

11 Committee Members

MONTANA STATE SENATE ROLL CALL VOTE

BUSINESS, LABOR, AND ECONOMIC AFFAIRS

DATE: 3-22, 2011

BILL NO. HB 341 DCAA 6-5

NAME	AYE	NO
Senator Stewart-Peregoy		✓
Senator Vuckovich		✓
Senator Steinbeisser	✓	
Senator Facey		✓
Senator Tutvedt	✓ <i>m</i>	
Senator Jackson	✓	
Senator Windy Boy		✓ <i>m</i>
Senator Moore	✓	
Senator Tropila		✓
Senator Mowbray	✓	
Chairman Balyeat	✓	

11 Committee Members

**AUTHORIZED
SENATE COMMITTEE PROXY**

I, Senator Donald Steinbeisser, request to be excused from the

**Business, Labor, and Economic Affairs
COMMITTEE**

due to my other commitment. I desire to leave my proxy vote with:

Vice Chair Verdell Jackson

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
HB 43	X				
HB 004305, a pm	X				

Sen. Don Steinbeisser
(Signature)

Date 3/22/14

**AUTHORIZED
SENATE COMMITTEE PROXY**

I, Senator Bruce Tutvedt request to be excused from the

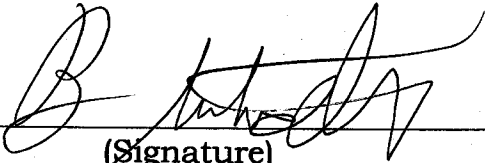
BUSINESS AND LABOR COMMITTEE

due to my other commitment. I desire to leave my proxy vote with:

Vice Chair Verdell Jackson

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
HB 43	X				
HB004305.apm	X				
HB 100	X				
HB010006.apm	X				
HB 342	X				
HB 341	X				
HB034102.apm		X			
HB034101.apm	X				

Sen. 
(Signature)

Date 3/22/11

**AUTHORIZED
SENATE COMMITTEE PROXY**

I, Senator Jonathon Windy Boy, request to be excused from the
BUSINESS AND LABOR COMMITTEE
due to my other commitment. I desire to leave my proxy vote with:

Tropila

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
HB 4B AMD.	X	
HB 4B	X	
HB 160 UNTABE		X
HB AMDMENT 100		X
HB 100		X
HB 342	X	
HB 341 FACEY AMD.	X	
HB 341 BAYEAT AMD.		X
HB 341		X
HB 315	X	

[illegible]

Sen.

(Signature)

Date _____

3-22-1

**AUTHORIZED
SENATE COMMITTEE PROXY**

I, Senator Sharon Stewart-Peregoy, request to be excused from the
**Business, Labor, and Economic Affairs
COMMITTEE**

due to my other commitment. I desire to leave my proxy vote with:

Inop. A

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

HB 315	X	

BILL/AMENDMENT

AYE NO

Sen.

Sharon Stewart-Peregoy
(Signature)

Date

3/22/11

MONTANA STATE SENATE
Visitors Register
SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Tuesday, March 22, 2011

HB 405 - Medical malpractice reform

Sponsor: Representative Janna Taylor

PLEASE PRINT

Name	Representing	Support	Oppose
Al Smith	MTLA		X
MICHAEL BROWN	MMA/RMHN	X	
George Bartzel	Surgical Ass.	X	
ROBERT STEARS	Eastern Radiological Assoc.	X	
Kathleen Stepp	MMLP	INFO	
Shawn Gillis	MMA/self	X	
Paul Cook	RMHN	/	
GREG DRAPER	Monida	X	
Mike Foster	Catholic Hospitals	X	
PATRICK MOFFORDAW	ART WOOD PRODUCTS ASSOC	X	
DAVID PAOLI	Self		X
Mona Jamison	Doctors Co.	X	
Dennis Salisbury	Self, Mont. Acad. Fam. Physic.	X	
Jon Benavon	MT Chamber	X	
CARTER BECK, MD	MMA	X	
Jim Hunt	SELF		X
Aimee GRMOLTER	Billings Clinic	X	
MARK TAYLOR	BENEFIS HEALTH SYSTEM	X	
BILL WARREN	ST. PETER'S/BOZEMAN DEAC.	X	
DICK BROWN	MT HOSP ASSN	X	
TOM EBZERY	STV, Highway, St. James		
Erin McClean	Mont Med. ASSN	X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Tuesday, March 22, 2011

HB 416 - Provide for confidentiality for medical practices quality assurance

Sponsor: Representative Harry Klock

PLEASE PRINT

Name	Representing	Support	Oppose
Al Smith	MTLHA		X
Dehlan Stepp	Montana Medical Legal Panel		INFO
MICHAEL BROWN	MMA / RMHN	X	
George Bentzel	Surgical Ass.	X	
Paul Cook	RMHN	✓	
Gra Despres	Monida	X	
Mike Foster	Catholic Hospitals	X	
DAVID PAOLI	Self		X
Mona Jamison	Doctors Co.	X	
Dennis Salisbury	Self, Montana Acad. Fam. Physic.	X	
Jon Bennison	MT Chamber	X	
MARK TAYLOR	BENEFIS HEALTH SYSTEM	X	
BILL WARDEN	ST. PETER'S/BOZEMAN DEAC	X	
DICK BROWN	MT HOSP ASSN	X	
TOM EBZERY	STV Holy Rosary Syjme	X	
Erin MacLean	Mont. Med Assn	X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.